

# GIBSON DUNN

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October 28, 2021

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VIA ECF

The Honorable Douglas E. Arpert  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

Re: *Gustavo Martínez v. City of Asbury Park et al.*, No. 3:20-cv-08710-AET-DEA

Dear Judge Arpert:

We serve as counsel for Plaintiff Gustavo Martínez in the above-captioned matter. We write jointly on behalf of all parties to provide an update on settlement negotiations and respectfully request a status conference on November 15, 2021.

Since the last joint letter submitted by Defendants City of Asbury Park, Daniel Savastano, Amir Bercovicz, Dewitt Bacon, and William Whitley (“Asbury Park Defendants”), the parties have continued their settlement negotiations and are hopeful a resolution will be forthcoming. Plaintiff and Asbury Park Defendants have negotiated the following schedule in an attempt to make that hope a reality:

1. By November 5, 2021, Asbury Park Defendants will provide Plaintiff any revisions to the proposed policy under discussion, which must have been pre-approved by the Asbury Park Police Department;
2. On November 8, 2021, counsel for Asbury Park Defendants and Plaintiff will meet and confer regarding any such revisions; and
3. On November 10, 2021, should an agreed-upon proposed revised policy be reached, Asbury Park Defendants will present the proposed revised policy for approval to the Asbury Park City Council; and
4. On November 15, 2021, or as soon thereafter as the parties may be heard, we respectfully request a status conference to address finalizing a settlement or moving forward with a revised case schedule.

To enable the parties to efficiently focus resources on settlement discussions, all parties respectfully request that this Court continue to stay discovery and pending scheduling order deadlines through and including the date that the Court sets for the status conference, which the parties have requested be set for November 15, 2021. At that time, the parties will either

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provide an update to the Court regarding settlement status or provide a proposed revised scheduling order or orders. All parties consent to this joint request.

Respectfully submitted,

*/s/ Stephanie Silvano*

cc: All counsel of Record (via ECF)